
By: **Delegate Doory (Committee to Revise Article 27 - Crimes and Punishments)**

Introduced and read first time: January 31, 2003

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Resisting Arrest - Penalty**

3 FOR the purpose of establishing a maximum penalty for the common law crime of
4 resisting arrest; and generally relating to resisting arrest.

5 BY adding to

6 Article - Criminal Law

7 Section 9-408

8 Annotated Code of Maryland

9 (2002 Volume)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
11 MARYLAND, That the Laws of Maryland read as follows:

12 **Article - Criminal Law**

13 9-408.

14 A PERSON WHO IS CONVICTED OF RESISTING ARREST IS GUILTY OF A
15 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
16 EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

17 COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): A 5-year
18 maximum sentence is recommended for the common law crime of resisting arrest
19 because the assault requirement under the common law makes the crime a more
20 serious crime than escape in the second degree which carries a 3-year maximum
21 sentence under § 9-405 of the Criminal Law Article. The penalty is also recommended
22 as appropriate because the Commission on Criminal Sentencing Policy has classified
23 resisting arrest as a Seriousness Category VI offense and several of the other offenses
24 in this category carry maximum penalties of 5 years' imprisonment.

25 SECTION 2. AND BE IT FURTHER ENACTED, That the Committee Note
26 contained in this Act is not law.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2003.